

**Board of Selectmen & Assessors Meeting/Public Hearing - Agenda**  
**July 13, 2020 @ 7:00p.m.**  
**Via Zoom Meeting/YouTube Live Streaming**

- 1. Call to Order:**
- 2. Amendments to the Agenda (Pending Approval)**
- 3. Minutes**
- 4. New Business**
  - 4.1 Board of Selectmen By Laws Review
  - 4.2 Disbursement Warrant Policy Review
- 5. Unfinished Business**
- 6. Town Administrator Report and Communications**
- 7. Fiscal Warrants**
  - 7.1 Town Warrant \$
- 8. Board of Assessors**
- 9. Executive Session(s)**
- 10. Adjournment**

*Public Comments Regarding Items On The Agenda Can Be Sent To The Town Manager's Email Prior To The Meeting For Circulation To The Rest Of The Board (townmanager@newcastlemaine.us)*

**Upcoming Events**

Election Day – Town Office Closed: Tuesday, July 14<sup>th</sup>

For Updated Information Please Check The Town's Facebook/Twitter accounts and Town's Website: newcastlemaine.us

*Executive Session 1 M.R.S.A. Section 405 (6) A – Personnel, C – Real Estate, D - Labor Contracts, E – Legal, H – Consultation With CEO Concerning Enforcement Action*

**BYLAWS AND POLICIES OF  
THE  
BOARD OF SELECTMEN TOWN  
OF NEWCASTLE, MAINE**

Adopted September 23, 2019

**Section 1. Purpose and Scope**

The purpose of these bylaws is to establish reasonable rules of procedure for Board of Selectmen (Board) meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures and shall not conflict with town ordinances or state or Federal statutes. These rules by necessity shall be reviewed and amended from time to time as the need arises and to meet the needs of future Boards.

**Section 2. Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

**Section 3. Selectman Responsibilities**

In accordance with M.R.S.A., Title 30-A § 2635, "the Board of Selectmen as a body shall exercise all administrative and executive powers of the Town except as provided in this sub- chapter." The Board of Selectmen shall deal with administrative services concurrently with the town administrator. Further in M.R.S.A., Title 30-A § 2635, it states, "this section does not prevent the Board of Selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or and matter relating to the welfare of the Town."

The Town of Newcastle has a Town Meeting - Board of Selectmen - Town Administrator form of government which works to set policy and strategic direction in the best interests of the municipality as a whole.

The five-member Board of Selectmen are elected on staggered terms by the voters of Newcastle through the annual town meeting. The Selectmen hold the powers and duties afforded to them under Maine law, as well as town ordinances. The powers and duties of the Board of Selectmen shall include, but not be limited to:

- Acting as assessors and overseers of the poor;

- The appointment of members of the Planning Board, the Appeals Board, and other boards, agencies and positions as provided by statute, ordinance or other ad-hoc needs as determined by the Board of Selectmen;
- To propose to the Town Meeting the enactment or repeal of ordinances which require approval by a Town Meeting;
- To adopt, amend or repeal ordinances and regulations which do not require approval by a Town Meeting;
- To provide for the granting of licenses and permits for the conduct of any business in accordance with statute for such periods of time and in accordance with such rules and regulations not inconsistent with statute and upon payment by the licenses of such fees as the Board of Selectmen may establish;
- To recommend a budget to the Annual Town Meeting; and
- To oversee all activities within the Town government.

Only through actions taken during a meeting, as outlined below, shall the Board operate. No individual member shall direct any employee or contractor, nor does any member possess the ability to negotiate on behalf of the town. Any action which takes place outside of a meeting must be delegated by the Board such as contract negotiation, information gathering, etc.; results of such action will be reported back to the full Board for final approval.

A majority of the Board constitutes a quorum. As a five-member Board of Selectmen, the quorum for Board action is three. If a quorum cannot be obtained, the meeting may be adjourned until a time and place certain.

#### **Section 4. Town Administrator**

The Town Administrator is the only employee who directly reports to the Board of Selectmen. All other employees of the Town of Newcastle report to the Town Administrator, who is responsible for the day to day operations of town government. The Town Administrator attends meetings of the Board of Selectmen and advises the Board on the policy and strategic direction in Newcastle's best interest. The Town Administrator serves at the pleasure of the entire Board of Selectmen and advances the goals the Board sets forth. The duties of the Town Administrator are consistent with Maine's Town Manager Plan statute(M.R.S.A., Title 30-A § 2636) with the exception of subsections 5 and 6 which concern the appointment of officials and town employees.

#### **Section 5. Officers and their Duties**

Officers of the Board shall consist of a Chairman and a Vice Chairman to be chosen annually at the first Board meeting after the annual town meeting by and from among Board members. The election of Chairman shall be by nomination and vote of the current Board and requires no qualification other than being a duly elected and sworn Selectman. All members of the Board of Selectmen are required to vote. The Chairman shall preside at all Board meetings and shall have the authority described below.

In the absence of the Chairman, the Vice Chairman shall preside and shall have the same authority. If the

Chairman and the Vice Chairman are absent the most senior Selectman, based on uninterrupted years of service, shall preside as Chairman pro-tempore. If there is more than one senior member, the Chairman shall be selected by a vote of the Selectmen.

### **Section 6. Chairman Privileges**

The Chairman may move, second, declare by unanimous consent, subject to the following limitations. If any objection by another Selectman is heard, the Chair shall hear any question in regular order subject to a motion, a second by a different Selectman, discussion, and a vote.

### **Section 7. Seating Arrangement**

Members shall occupy the respective seats in the Board meeting room closest to the Chairman

### **Section 8. Attendance**

No Selectman shall be excused from attendance at a Board meeting without notification to the Chairman prior to the meeting. Attendance is expected except when a Board member notifies the Chairman prior to the meeting.

When a member is not available for more than four unexcused regular the Selectman shall be subject to censure.

### **Section 9. Meetings**

Regular meetings of the Board shall be held on the Second and Fourth Monday of each month, at 6:00pm at the Town Office.

Notice of all Board meetings shall be given as required by law by the Town Administrator or Town Clerk, and all such meetings shall be open to the public except as otherwise provided by law. This notice requirement does not preclude the Board from making a trip i.e. site walk during the meeting if circumstance requires. Whenever possible, this intention should be reflected in the agenda.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board being in attendance.

### **Section 10. Special & Emergency Meetings**

All meetings other than regularly scheduled meetings shall be considered a Special Meeting. Every reasonable effort must be made to notify all Selectmen in advance of a Special Meeting. Notice must be

made to a newspaper of general circulation in the town and posted at the town office. A Special Meeting may be called by three methods:

1. The Chairman may call a Special Meeting at any time.
2. The Chairman shall call a Special Meeting if requested by a quorum of Selectmen.
3. A Special Meeting may be called by the Vice Chairman if the Chairman may not be reached by normal methods.

### **Section 11. Meetings to Execute Documents**

If logistics require Selectmen to execute a document, approve a warrant or sign an order outside of the time of a regularly scheduled or Special Meeting, another meeting does not have to be called, providing an approved order exists from a properly noticed public proceeding and record of that proceeding reflects the actual execution will occur outside of the meeting.

### **Section 12. Meeting Length**

All Board meetings, workshops or executive sessions should, except in extraordinary circumstances, adjourn at or before 9:00 p.m.

### **Section 13. Continued Sessions**

Any session of the Board may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for longer period than until the next regular meeting.

### **Section 14. Executive Session**

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 MRSA §405 and no others.

The executive session can only be entered after a motion has been made in public session to go into executive session. The motion must carry by at least 3 of the members in attendance.

The nature of the business to be discussed must be a part of that motion, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process.

No topic other than that referred to in the motion shall be discussed during executive session. The Executive session shall be held in such place as to ensure the privacy of the meeting and the Chairman shall determine the public and staff allowed to attend in the executive session.

All matters discussed during executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board.

No official action shall be finally approved at an executive session.

Since Minutes of an executive session will become public record, they should only be taken when the contents of the meeting are desired to become public.

### **Section 15. Workshop Sessions**

Workshop sessions may be scheduled by the Chairman for the purpose of disseminating information for Board enlightenment and evaluation or for the discussion or refinement of future agenda items. Workshop sessions are considered meetings of the Board.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chairman, relating to the subject of the workshop session.

No formal vote shall be taken on any matter under discussion nor shall any Board member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Board, but an informal vote on any matter under discussion may be taken.

### **Section 16. Hearings**

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. The Town Attorney may note that evidence does not appear to meet the Maine Rule of Evidence, but the Board can still consider the evidence.

Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chairman, provided, however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

## **Section 17. Agenda Items**

All agenda items shall be, under normal circumstances, submitted by the Board members to the Town Administrator seven (7) working days prior to any regular or special meeting by 12:00 noon. The Town Administrator will draft the agenda. The Chairman or any two Selectmen may add an item to the agenda. In the event that a matter shall arise which was not submitted to the Town Administrator within the proper time frame, then that item shall be presented to the Chairman as soon as possible. The first draft agenda will normally be available through public posting on the Friday prior to the Board of Selectmen meeting.

The order of business at regular meetings shall be as follows:

1. Call to order
2. Amendments to the Agenda
3. Minutes of the previous meeting
4. Public Comment On Items Not On The Agenda
5. New business
6. Unfinished business
7. Town Administrator Report and Communications
8. Fiscal Warrants
9. Executive Session(s)
10. Future Agenda Items
11. Adjournment

## **Section 18. Board Process**

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Board sponsor, the Town Administrator shall first be allowed to present their initial comments for consideration by the public and other Board members. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the Town Administrator regarding the agenda item which any Board member may have which would help to clarify the question presented by the agenda item. The Chairman shall allow questions during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the Town Administrator and clarified by any questioning as provided above, by a vote of the Board, the Chairman shall open public comment.

There will be time devoted for any resident, taxpayer or authorized representative of an organization resident or taxpayer of the Town of Newcastle to address the Board regarding this particular agenda item provided that the public follows the rules of public comment described below.

## **Section 19. Public Comment**

Rules of Public Comment:

1. The speakers will be required to identify themselves by stating their name, first and last, and residence

address prior to sharing their comments.

2. The speakers will be asked not to be repetitious of comments already made to the Selectmen in the interests of the most efficient use of time.
3. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item.
4. All comments shall be directed to the Chairman. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member.
5. No complaints or allegations will be allowed in public concerning any staff member or any person connected to the Town of Newcastle.
6. Complaints will be referred to the Town Administrator for investigation.
7. If unresolved the issue will be brought to the Board of Selectmen.
8. Complaints regarding the Town Administrator must be brought to the Chairman of the Board of Selectmen for investigation and resolution; and to the full Board of Selectmen if unresolved by the Chairman.

After listening to any input from the public present, the Chairman will close public comment on the issue and then provide for debate and vote of the issue by the Board. Any further information requested by the speaker shall be referred to the Town administrator to research the matter and make a recommendation to the Selectmen.

If any member of the Public violates the rules of public decorum, the Chairman or a majority of the Board may expel that member of the Public from the meeting. If the member of the Public refuses to leave the Town Office, the Chairman or a majority of the Board may order the Lincoln County Sherriff to remove the member of the public.

A Board member shall not be permitted to speak as a member of the public during any public comment periods, except on a matter where the Board member has recused himself or herself in order to assert or protect his or her personal interests or property rights. Recusal requires the member to abstain from Board deliberation and voting.

The Chairman or a majority of the Board of Selectmen may close public comment at any time.

## **Section 20. Participation and Voting**

Any action of the Board shall require the affirmative vote of a quorum of its membership of not less than three members unless otherwise provided by law.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Members have the responsibility to declare conflicts they may have as quickly prior to the consideration of a given agenda item. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members. Conflict issues shall follow established State Law.



Abstentions shall be limited to conflicts of interest, which shall be stated prior to the taking of the vote.

Any order may be reconsidered by motion of those voting in the affirmative, with Board approval. All other orders shall require a motion, second and recorded vote.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was in attendance during all hearings thereon or the Board votes in the affirmative the member has adequately informed themselves on the action in the prior proceedings.

## **Section 21. Minutes**

The Town Clerk shall keep an official record of all meetings, which are public proceedings, and the Town Administrator shall designate staff to take the Minutes. The written minutes shall serve as a brief reference, but the verbatim and official record is the DVD recording. The Minutes shall at the minimum reflect the following:

1. Date of meeting
2. Place of meeting
3. Selectmen in attendance
4. Town staff in attendance
5. Members of the public addressing the Selectmen
6. All executive orders and business considered
7. Business to be tabled for future action
8. Announcement of future meetings (special)
9. Time of adjournment
10. Person taking Minutes

Free lending copies of the DVD recorded approved minutes will be available to the public at the Town Office or LCTV and other designated places.

## **Section 22. Discipline**

If a member fails to meet the ethical, legal, or functional responsibilities of the office, the Board of Selectmen reserves the right to discipline the member for this breach. If charges of improper conduct are brought to the Board, a hearing shall be held where the charges levied against the member are heard and the member reserves the right to accept or deny statements aimed at their office.

After a fair hearing, the Board may censure the member of the Board for breaching the bounds of their office. Censure may include further disciplinary action including suspension of salary, suspension of voting rights, or public reprimand.

**Section 23. Conflict with Laws**

Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

**Section 24. Amendments**

These bylaws may be amended at any time in writing by majority vote of the Board.

# Town Administrator's Report

July 10, 2020

- The Town Office has been a beehive of activity over the past two weeks as we have re-opened the office and working as close to normal for the first time since March. The new phone system has had its own quirks, but we've been able to easily answer questions and concerns from residents, start to register vehicles, and most of all, handle the incredibly crush of absentee ballot requests. Now we've had over 500 requests for a ballot, which far exceeds our typical voter participation for a June vote by 40%. In addition to working through the backlog of calls through the period we were closed, the office staff are working as hard as they can to serve everyone. Though we're looking forward to moving past the election on Tuesday, the constant churn of vehicle registrations after the election will be an incredible burden.
- We've received over 150 requests for registration of vehicles or boats over the period we were closed and only one of those requests was demonstrably angry. The vast majority of residents have been understanding as we try to do as much as we can while they await the glass to be installed on the counter. However, thanks to the delivery of plexiglass for the election, we will be able to use some of those items to process even more registrations in person and by appointment.
- One important note is that there is a great deal of misinformation in the media regarding the deadlines for motor vehicle registrations. Newcastle residents are, as of this date, able to register their vehicle by August 9<sup>th</sup> without penalty. If the Governor elects to extend her state of emergency, that deadline would also be extended 30 days from that extension date. While that extension may not be true of other municipalities, it is for Newcastle.
- New boat registrations are not under this extended deadline, however so this means the 7 individuals who require a new registration have been prioritized. Boat and ATV re-registrations, just as with motor vehicles, can be handled online though we are also assisting residents with those needs in the office.
- The Academy Hill project continues to see a series of challenges due to unknown private drain connections and sewer and water main placement in the roadway. These items are not the responsibility of the town to resolve, but we must do so in the name of being a good neighbor. I would anticipate we will see a change order from Hagar Enterprises relating to the repair of sewer and water equipment in the road way and we may be forced to speak with Great Salt Bay Sanitary and Water to resolve this project overage.
- The street lighting LED replacement is moving ahead as they are assisting me with the design and style for the Academy Hill lights.

- The Community Room at the fire station was painted late last week and I think the walls look outstanding. I would not say the same of the flooring and I suspect if you are headed in to vote in person, you will agree. I hope to move forward on the flooring in the days after the election completes. I did get a quote for the exterior lighting at the fire station and the town office and it was higher than I anticipated. I'm going to see if there are pieces of the street lighting project which can help lessen the impact on this need though I would add that the installation of the streetlights is not anticipated until late Fall.